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July 18, 2013

**VIA ELECTRONIC FILING**

Honorable Pamela K. Chen  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Theodore Thorsen, et al. v. Sons of Norway, Inc., et al.*  
Civil Action No.: CV13-2572 (PKC) (RML)  
Our File No.: 61870.3

Dear Judge Chen:

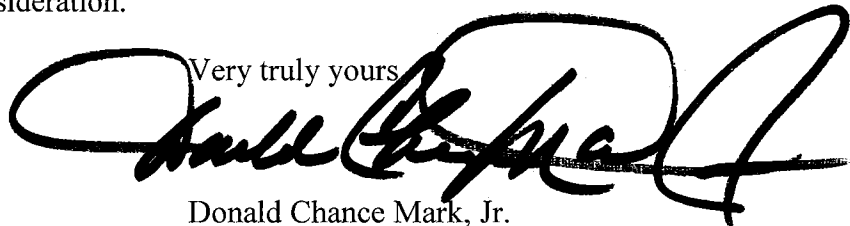
We represent Defendant David Ness in the above-entitled matter.

On June 19, 2013, William A. Ruskin, counsel for the remaining Defendants Sons of Norway, Inc., Eivind Heiberg and Dan Rude, filed a letter with the Court pursuant to the Court's Individual Practices and Rules ¶ 3(A), requesting a Pre-Motion Conference in anticipation of Defendants' filing of a motion pursuant to Rule 12 of the Federal Rules of Civil Procedure. Plaintiff's counsel filed a letter on June 27, 2013, in response to Mr. Ruskin's letter. On July 8, 2013, the Court issued a minute order providing that Defendants may proceed with their motion to dismiss the plaintiff's Complaint pursuant to Rule 12. However, it appeared that the order only provided that Defendants Sons of Norway, Inc., Eivind Heiberg and Dan Rude could proceed with their motion.

With the Court's permission, we respectfully request the right to also file a Rule 12 motion to dismiss Plaintiff's claim against Mr. Ness pursuant to Rules 12(b)(2) and 12(b)(6) and in accord with the briefing schedule set forth in your July 8, 2013 Order.

Thank you for the consideration.

Very truly yours,



Donald Chance Mark, Jr.

cc: counsel of record (via ECF)